IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RUSSIAN TV, PHILA., INC. and : CIVIL ACTION NO.:

IGOR SHTERN, designated lessee

Plaintiffs

:

v.

ASTEROID PROPERTIES and
STANLEY BURAKOVSKY, individually
And as Chief Executive Officer, Director,
Shareholder and Owner of Asteroid

Properties, Inc.

Defendants :

NOTICE OF REMOVAL

Defendants Asteroid Properties, Inc. and Stanley Burakovsky, by and through their attorneys, Kennedy, Walker & Lipski, hereby files this Notice of Removal pursuant 28 U.S.C. §1446 based on jurisdiction pursuant to 28 USCA§ 1332 and in support thereof, avers the following:

- 1. Plaintiffs, Russian TV, Inc. and Igor Shtern, commenced this lawsuit against the Defendants by way of filing a Writ of Summons in the Philadelphia Court of Common Pleas on September 17, 2002. A true and correct copy of said writ is attached hereto as Exhibit "A".
- 2. Plaintiffs filed and served Complaint in the instant matter on October 31, 2002. A true and correct copy of said Complaint is attached hereto as Exhibit "B".
- 3. Plaintiff, Russian TV Phila., Inc. is a corporation organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania with its place of business located in Philadelphia, Pennsylvania. See Plaintiff's Complaint, Exhibit "B", paragraph 1.
- 4. Plaintiff Igor Shtern is an individual citizen of the Commonwealth of Pennsylvania residing therein at 32 Simons Way, Huntington Valley, Pennsylvania. See Plaintiffs' Complaint, Exhibit "B", paragraph 2.
- 5. Defendant, Asteroid Properties, Inc. is a corporation organized and existing under and by the laws of the State of New Jersey, where it is incorporated and where its principal place of business is located at 540 Broadway, Bayonne NJ 07002.
- 6. Defendant Stanley Burakovsky is an individual citizen of the State of New Jersey, residing therein at 44 Hartsorn Drive, Short Hills NJ 07078.

- 7. Plaintiffs' claim is one seeking compensation for alleged property damage that resulted from an alleged roof leak on premises leased by Plaintiffs from Defendant Asteroid Properties, Inc. See Plaintiff's Complaint, Exhibit "B".
- 8. Plaintiffs' Complaint seeks compensation for property damages of \$160,000.00, plus additional compensatory and punitive damages in. See Plaintiff's Complaint, Exhibit "B."
- 9. Where there is complete diversity of citizenship between the parties and the amount in controversy is in excess of \$75,000.00 there is subject matter jurisdiction over this case pursuant to 28 U.S.C.A. §1332(a).
- 10. This matter is removable pursuant to 28 U.S.C.A. §1441(b) where there is complete diversity of citizenship between the parties and Defendants are not citizens of the Commonwealth of Pennsylvania.
- 11. The removal of this matter from state to federal court is proper under 28 U.S.C.A. §1446 where the initial pleading sets forth the claim for relief upon which the action is based and where the Complaint was filed and served upon Defendant less than thirty (30) days prior to the date this Notice of Removal was filed.

WHEREFORE, notice is hereby given of removal of the above matter from the Philadelphia County Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania.

KENNEDY, WALKER & LIPSKI

BROOKE KWATNY KRAVITZ, ESQ. Attorney for Defendants 1818 Market Street, Suite 2510 Philadelphia, PA 19103 (215) 568-4120

Dated: November 25, 2002

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RUSSIAN TV, PHILA., INC. and : CIVIL ACTION NO.:

IGOR SHTERN, designated lessee

Plaintiffs

:

V.

:

ASTEROID PROPERTIES and :

STANLEY BURAKOVSKY, individually And as Chief Executive Officer, Director, Shareholder and Owner of Asteroid

Properties, Inc.

Defendants

CERTIFICATE OF SERVICE

I, Brooke Kwatny Kravitz, Esquire, hereby certify that a true and correct copy of the within Notice of Removal of Defendants Asteroid Properties and Stanley Burakovsky, was served by Facsimile and First Class Mail on Counsel for the Plaintiff, on November 25, 2002 at the following address:

Anthony P. Baratta, Esquire 2661 Huntingdon Pike Huntingdon Valley, PA 19006

KENNEDY, WALKER & LIPSKI

BROOKE KWATNY KRAVITZ, ESQ. Attorney for Defendants 1818 Market Street, Suite 2510 Philadelphia, PA 19103 (215) 568-4120

VERIFICATION

BROOKE KWATNY KRAVITZ, hereby states that she is the attorney of record for Asteroid Properties, Inc. and Stanley Burakovsky in this action and verifies that statements made in the foregoing Notice of Removal are true and correct to the best of her knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

KENNEDY, WALKER & LIPSKI

BROOKE KWATNY KRAVITZ, ESQ. Attorney for Defendants 1818 Market Street, Suite 2510 Philadelphia, PA 19103 (215) 568-4120

Dated: November 25, 2002